

# MEMORANDUM

Agenda Item No. 8(F)(2)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

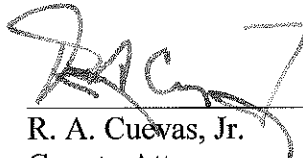
**DATE:** April 2, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing the conveyance of a permanent easement to the State of Florida Department of Transportation for the purpose of constructing and maintaining a mast-arm traffic signal at the intersection of SW 8 Street and SW 127 Avenue also known as Parcel No. 800

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The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

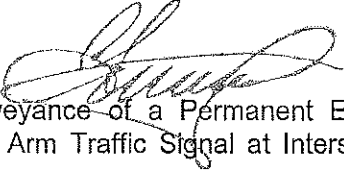
RAC/smm

# Memorandum



**Date:** April 2, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Authorizing the Conveyance of a Permanent Easement to FDOT for Construction Maintenance of Mast Arm Traffic Signal at Intersection of SW 8 Street and SW 127 Avenue

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution which authorizes the Conveyance of a 100 square foot permanent easement to the Florida Department of Transportation (FDOT), in accordance with Florida Statutes 125.38, for no monetary consideration. The purpose of the conveyance is for the construction and maintenance of a mast arm traffic signal at the intersection of SW 8 Street and SW 127 Avenue, in unincorporated Miami-Dade County, Florida, also known as Parcel No. 800.

This item has been prepared by the Internal Services Department at the request of the Public Housing and Community Development Department (PHCD).

## **SCOPE**

The property is located in Commission District 11.

## **FISCAL IMPACT/FUNDING SOURCE**

There is no fiscal impact associated with the conveyance of the easement.

## **TRACK RECORD/MONITOR**

Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this easement.

## **DELEGATION OF AUTHORITY**

This item authorizes the County Mayor or the County Mayor's designee to execute the conveyance for and on behalf of Miami-Dade County; and authorizes the County Mayor or the County Mayor's designee to exercise any and all other rights conferred therein.

## **BACKGROUND**

FDOT has planned improvements on State Road 90 (SW 8 Street) to improve vehicular and pedestrian movement in the area. Improvements will include repaving and restriping the road, installing bicycle lanes, upgrading crosswalks and pedestrian ramps to comply with the current Americans with Disabilities Act standards, and installing pedestrian and traffic signage and signals. Parcel No. 800, owned by Miami-Dade County, is located on the south side of SW 8 Street at the intersection of SW 127 Avenue. FDOT notified PHCD, as the County department in control of this property, that they wanted to construct a new mast arm traffic signal and upgrade the sidewalk and ramps to comply with current ADA standards. In order to make these modifications, FDOT requires this easement donation from the County to construct and maintain these improvements.

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 2

Additional property details are as follows, and, shown in the attached property map:

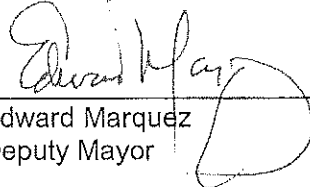
FOLIO NUMER: 30-4902-000-0062

LOCATION: SW 8 Street and SW 127 Avenue

PROPERTY SIZE: 100 square feet

ZONING: RU-4L (LIMITED APARTMENT HOUSE DISTRICT, 23 UNITS NET ACRE)

Attachments

  
\_\_\_\_\_  
Edward Marquez  
Deputy Mayor




# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 2, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(F)(2)  
4-2-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH F.S. 125.38, FOR NO MONETARY CONSIDERATION, IN, OVER, UNDER, UPON AND THROUGH A PORTION OF COUNTY OWNED PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A MAST-ARM TRAFFIC SIGNAL AT THE INTERSECTION OF SW 8 STREET AND SW 127 AVENUE ALSO KNOWN AS PARCEL NO. 800, NOT NEEDED FOR COUNTY PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**WHEREAS**, the Board desires to accomplish the purposes outlined in the accompanying memorandum for the parcel described in the accompanying Easement, a copy of which is incorporated herein by reference as attached; and

**WHEREAS**, the State of Florida Department of Transportation (FDOT) proposes to improve State Road No. 90 (SW 8 Street) Roadway Project No. 4291623 in Miami-Dade County; and

**WHEREAS**, in connection with said project, FDOT is modifying the existing sidewalks to comply with the Americans with Disabilities Act (ADA); and

**WHEREAS**, FDOT determined that in order to extend the life of the existing roadway and improve pedestrian and vehicular and pedestrian traffic flow and safety it was necessary to repave and restripe the road, install bicycle lanes, upgrade crosswalks and pedestrian ramps, and install pedestrian and traffic signage and signals; and

**WHEREAS**, in order to build said sidewalk in compliance with the ADA it is necessary that certain County owned land be acquired as an easement by FDOT; and

**WHEREAS**, FDOT has requested the granting of such an easement as more particularly described in Exhibit "A" to the Permanent Easement attached hereto ( the "easement") which legal description encompasses a 100 square foot parcel, located at the intersection of SW 8 Street and SW 127 Avenue; and

**WHEREAS**, the Board finds that pursuant to Section 125.38 of the Florida Statutes, that said property is required for such use, is not needed for County purposes, and would promote community interest, and welfare,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Adopts the foregoing recitals incorporated as if fully set forth herein.

**Section 2.** Approves the granting of the Easement for no monetary consideration pursuant to Section 125.38, Florida Statutes subject to the restriction that said parcel be used by FDOT for transportation related improvements to State Road No. 90.

**Section 3.** The County Mayor or County Mayor's designee is authorized to execute said Easement on behalf of Miami-Dade County and to exercise the provisions therein.

**Section 4.** Pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Debra Herman

Return to:  
Real Estate Development Division  
Miami-Dade County Internal  
Services Department  
111 N.W. 1st Street, Suite 2460  
Miami, FL 33128

Instrument prepared by:  
Miami-Dade County Internal  
Services Department  
111 N.W. 1st Street Suite 2460  
Miami, FL 33128

Folio No. a portion of  
#30-4902-000-0062  
User Department: Miami-Dade County  
Public Housing and Community Development

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**PERMANENT EASEMENT**

STATE OF FLORIDA                    )  
  )  
COUNTY OF Miami-Dade            )

THIS EASEMENT, Made this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2013, by and between **Miami-Dade County**, a political subdivision of the State of Florida, having its office and principal place of business at 111 NW 1<sup>st</sup> Street, Miami, Florida 33128, party of the first part, and the **Florida Department of Transportation** an agency of the State of Florida, and its successors in interest, whose Post Office address is 1000 N.W. 111 Avenue, Miami, Florida 33172-5800, party of the second part,

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant to the party of the second part, and its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a Mast-arm in, over, along, under, and across the Easement Area, being in the County of Miami-Dade, State of Florida, to-wit:

**AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HEREOF**

It is expressly provided that if and whenever the use of the subject parcel for transportation purposes is discontinued, the title to the said above described land shall immediately revert to the party of the first part, its heirs and assigns, and it shall have the right to immediately repossess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the County Mayor's or County Mayor's Designee, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

HARVEY RUVIN,  
CLERK OF SAID BOARD

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos A. Gimenez  
Mayor

Approved as to form  
And Legal Sufficiency.

\_\_\_\_\_  
Assistant County Attorney

The foregoing was authorized and approved by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

## EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 800:

Being a parcel of land lying in the Southeast one quarter (¼) of Section 2, Township 54 South, Range 39 East, and being more particularly described as follows:

COMMENCE at the Northeast corner of Tract "C" of FIRST ADDITION TO UNIVERSITY LAKES PLAZA, according to the plat thereof, as recorded in Plat Book 102, Page 33, in the public records of Miami-Dade County, Florida, said point also lying on the South right-of-way line of State Road 90 (SW 8th Street / Tamiami Trail); thence N 89°43'38" E, along said South right-of-way line of State Road 90, a distance of 946.28 feet to the POINT OF BEGINNING of the following described parcel:

Thence continue N 89°43'38" E, along said South, right-of-way line, 2.11 feet to the beginning of a curve concave to the Southwest, having a radius of 25.00 feet; thence easterly along the arc of said curve 14.96 feet, through a central angle of 34°16'29"; thence S 43°32'21" W 10.10 feet to the beginning of a non-tangent curve, concave to the Southwest, having a radius of 25.00 feet, to which point a radial line bears N 55°00'15" E; thence northwesterly along the arc of said curve 12.34 feet, through a central angle of 28°16'26"; thence N 0°16'36" W 3.59 feet to the POINT OF BEGINNING.

Containing 100.0 Square Feet of land, more or less.

GENERAL NOTES:

- THIS IS NOT A SURVEY
- Reproductions of this map are not valid without the signature and original raised seal of the Florida Licensed Surveyor and Mapper in responsible charge.
- The Bearings shown hereon are referenced to the Baseline of Survey of State Road 90 (SW 8th Street / Tamiami Trail), having a bearing of N 89°43'24" E, as shown on the Florida Department of Transportation Project Network Control for said State Road 90, completed on 12/15/2010 by PBS&J, an Atkins Company, for Project No. 429162-3.
- The data used in the calculation and preparation of the legal description was provided by the FDOT Project Manager for said Project No. 429162-3.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.

This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

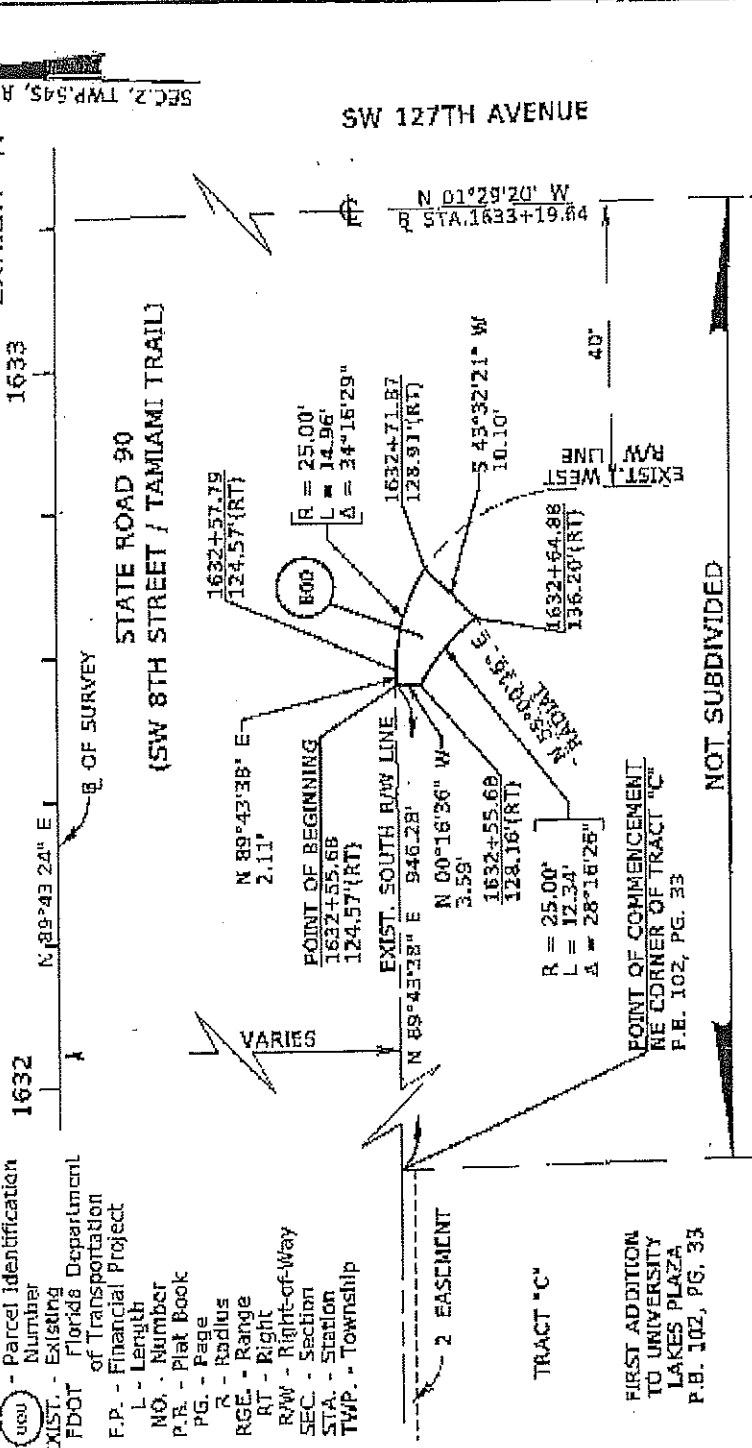
CRISTINA KINMAN-ALBURY  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. 6554

			FLORIDA DEPARTMENT OF TRANSPORTATION		
			SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
			STATE ROAD NO. 96		MIAMI-DADE COUNTY
			BY	DATE	PREPARED BY
			DRAGON	11-10-68	1201 DISTRICT 6
					DATE OF REV.
					SEE GENERAL NOTES
U.S. ROAD NO.	ROUTE	SECTION	CHECKED		CORRECTION
96	BY	DATE	F.P. NO. 429162-5		SECTION 2720-2508
					SHEET 1 OF 2

- LEGEND:**
- B - Baseline
  - C - Centerline
  - Δ - Curve Delta Angle
  - Δ - Parcel Identification Number
  - EXIST. - Existing
  - FDOT - Florida Department of Transportation
  - F.P. - Financial Project
  - L - Length
  - NO. - Number
  - P.R. - Plat Book
  - PG. - Page
  - R - Radius
  - RGE. - Range
  - RT - Right
  - R/W - Right-of-Way
  - SEC. - Section
  - STA. - Station
  - TWP. - Township

PARCEL NO.	OWNER'S NAME	PARCEL AREA	REMARKS	COMMENTS
800	MIAMI-DADE COUNTY	100.0 SQ.FT.	UNDETERMINED	

EXHIBIT "A"



This document consists of two (2) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.

FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. 90		MIAMI-DADE COUNTY	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		DRAWN: 0.5385		SECTION 57165-7003	
REVISIONS: 11/27/22		CHECKED: 05/24/22		SHEET 2 OF 2	
REVISIONS: 11/27/22		CHECKED: 05/24/22		SHEET 2 OF 2	

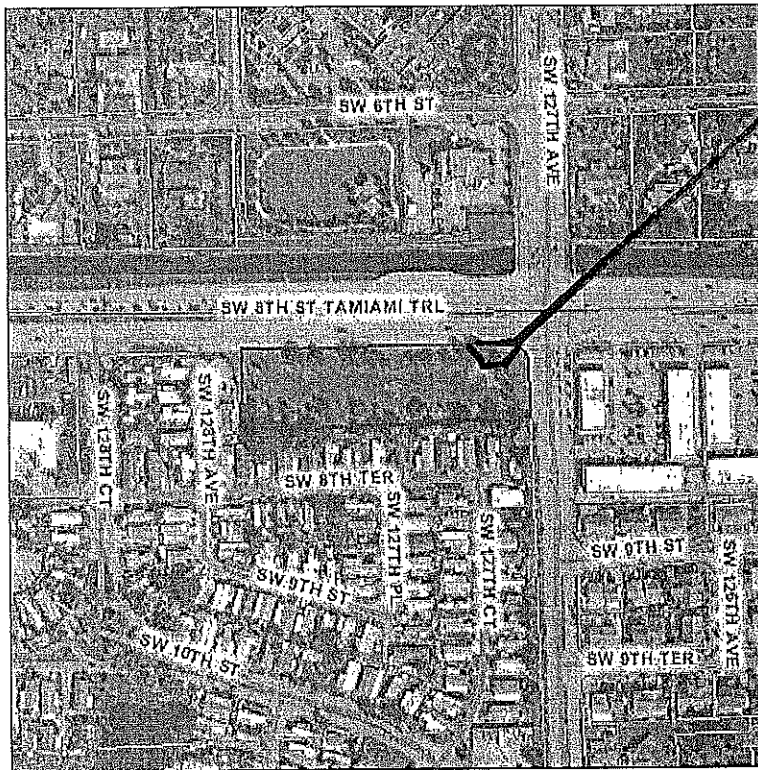
# My Home

## Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

## Property Information Map



Aerial Photography - 2012

0 — 162 ft

This map was created on 1/3/2013 3:05:49 PM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

## Easement Area

## Summary Details:

Folio No.:	30-4902-000-0062
Property:	
Mailing Address:	MIAMI-DADE COUNTY OCED 701 NW 1 CT 14TH FL MIAMI FL 33136-

## Property Information:

Primary Zone:	3800 MULTI-FAMILY - 22-37 U/A
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	2.36 ACRES
Year Built:	0
Legal Description:	2 54 39 2.36 AC M/L BEG 678.55FTN & 40FTW OF SE COR OF SE1/4 OF SEC CONT S 87 DEG W 622.78FT N 01 DEG W 168.35FT N 89 DEG E 598.29FT SELY AD 38.74FT S 01 DEG E 122.21FT TO POB & BEG

## Assessment Information:

Year:	2012	2011
Land Value:	\$411,208	\$411,208
Building Value:	\$0	\$0
Market Value:	\$411,208	\$411,208
Assessed Value:	\$411,208	\$411,208

## Taxable Value Information:

Year:	2012	2011
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$411,208/\$0	\$411,208/\$0
County:	\$411,208/\$0	\$411,208/\$0
School Board:	\$411,208/\$0	\$411,208/\$0